

Subpart G—Procedure for Environmental Assessment Proposals Without Scoping

§ 1794.60 General.

The following procedure applies to all actions classified as Environmental Assessment projects in § 1794.33 hereof. Where appropriate to carry out the purposes of NEPA, RUS may require, on a case by case basis, that additional action be taken in connection with preparation of an EA. If at any point in the preparation of an EA, RUS determines that the action will have a significant impact on the environment, the preparation of an EIS will be required and the procedures applicable thereto will be followed.

§ 1794.61 Document requirements.

For those proposals covered by § 1794.33, the Borrower shall submit a BER or its equivalent. The BER may serve as RUS's EA if RUS makes an independent evaluation of the environmental issues and concurs in the BER's scope and content. The BER also may be made an Appendix to RUS's EA to provide information on the proposal and reduce unnecessary paperwork.

§ 1794.62 Notice of availability.

The Borrower shall publish a public notice of availability of the BER.

(a) The Borrower's notice shall:

(1) Provide a brief description of the nature and location of its recommended and reasonable alternatives;

(2) State the availability of the BER for public review;

(3) State how copies of the BER can be obtained and where copies are available for public review, which shall include the Borrower's headquarters, RUS offices in Washington, DC, and other locations as determined by RUS;

(4) Provide the name and address of the person to whom questions and comments should be sent;

(5) Set forth a thirty (30) day time period for review and comment.

(b) The Borrower's notice shall be published after RUS has determined that the BER provides a satisfactory basis for public comment.

[49 FR 9550, Mar. 13, 1984; 49 FR 10083, Mar. 19, 1984]

§ 1794.63 FONSI and notice requirements.

(a) If RUS, after reviewing the EA, finds that the proposal will not have a significant effect on the human environment, RUS shall prepare a FONSI. After the FONSI has been made, RUS shall publish a notice of availability of the EA and FONSI. The Borrower shall have published, in a timely manner, a similar notice.

(b) Both the RUS and Borrower's notice shall:

(1) Provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) State that an EA and FONSI have been prepared;

(3) State how copies of the EA and FONSI can be obtained, and where copies are available for public review which shall include the Borrower's headquarters, RUS offices in Washington, and other locations as determined by RUS;

(4) Provide the name and address of the person to whom questions and comments should be sent.

(c) RUS shall not permit construction or other activities which would have an environmental effect until it has received, reviewed and accepted an adequate BER and the public notice requirements in paragraphs (a) and (b) of this section have been met.

§ 1794.64 Timing of agency action.

RUS may take its final action on proposals requiring an EA without scoping (§ 1794.33) at any time after publication of the RUS and Borrower notices that a FONSI has been made.

Subpart H—Procedure for Environmental Assessment Proposals With Scoping

§ 1794.70 General.

For those proposals covered by § 1794.34, RUS and the Borrower shall follow the procedures for scoping and the requirements for notices and documents set forth in §§ 1794.50 through 1794.53 of Subpart F, "Procedure for Proposals Normally Requiring an EIS."

§ 1794.71 RUS determination.

After the scoping process and receipt of an acceptable Environmental Analysis, RUS shall make a judgment as to whether or not RUS's action will be a major Federal action significantly affecting the quality of the human environment. If a significant effect is evident, RUS shall continue with the procedures in §§1794.54 through 1794.55 of Subpart F, "Procedure for Proposals Normally Requiring an EIS." If a significant effect is not evident, RUS shall develop and prepare an EA and FONSI.

§ 1794.72 Notice requirements for a FONSI determination.

If RUS prepares a FONSI for a proposal covered by § 1794.34, RUS and, in a timely manner, the Borrower shall publish notices of availability of the EA and FONSI. The EA and FONSI shall be made available for public review and comment for at least thirty (30) days, and the RUS and Borrower notices shall solicit public comments. Additional RUS and Borrower notice requirements are included in § 1794.63.

§ 1794.73 Timing of agency action for FONSI determination.

RUS may take its final action at any time after expiration of the thirty (30) day period measured from the date of publication of the RUS notice in the FEDERAL REGISTER. Normally RUS shall wait thirty (30) days after publication of the Borrower's notice before taking a final action.

Subpart I—Adoption of Environmental Documents

§ 1794.80 General.

Where Borrowers participate in projects for which other agencies have already prepared an EIS or EA, RUS will adopt the existing EIS or EA consistent with the provisions of 40 CFR 1506.3.

§ 1794.81 Adoption as a final EIS.

(a) If RUS acted as a cooperating agency, the lead agency's EIS may be adopted as a final EIS without recirculation if RUS has reviewed the comments received on the final EIS and

concluded that comments and suggestions have been adequately considered.

(b) If RUS was not a cooperating agency but determines that another Federal agency's EIS is adequate it will adopt the EIS as its final EIS.

(1) RUS and the Borrower shall publish a notice stating RUS's adoption of the EIS and independent determination of its adequacy. The notices are governed by §§1794.12 (general) and 1794.54(a) (EIS).

(2) If the adopted EIS is generally available, RUS will circulate its written finding that the adopted EIS meets the standards for an adequate EIS. The adopted EIS shall be made available to interested parties upon request.

(3) If the adopted EIS is not generally available, RUS will circulate its written finding that the adopted statement is an adequate EIS, along with either the adopted EIS or a summary thereof in accordance with 40 CFR 1502.19. The adopted EIS shall be circulated in the same manner as a final EIS (see § 1794.54(b)).

§ 1794.82 Adoption as a draft EIS.

Where RUS determines that an existing Federal EIS requires additional information to meet the standards for an adequate statement for a proposed RUS action, RUS may adopt all or a portion of the EIS as a part of its draft EIS. The circulation provisions of § 1794.54(b) for draft and final EIS's apply. The general notice provisions (§ 1794.12) and notice provisions for EIS's (§ 1794.54(a)) apply.

§ 1794.83 Adoption of an EA.

RUS may adopt a Federal EIS or EA or a portion thereof as its EA. RUS shall make the EA available and assure that notice is provided in the same manner as if RUS had prepared the EA.

§ 1794.84 Adoption of environmental materials.

RUS may adopt environmental documents or portions thereof prepared by Federal, state or local agencies or other parties independently of the requirements of NEPA. RUS may adopt such materials into its environmental documents. RUS will circulate the adopted document as a part of its environmental assessment or draft and